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EXAMINER

SERRAO, RANODHI N

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,204

Applicant(s)

AYRES ET AL.

Examiner

Ranodhi Serrao

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03 May 2002</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 6, 7, 8, 9, 10, 11, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Nii (2002/0065730).

As per claim 1, Nii teaches a multimedia distribution kiosk comprising: a first communication interface configured to receive, from a remote user, multimedia requests for multimedia content; a second communication interface configured to communicate with a multimedia content provider (Paragraph 0016); a cache memory (Paragraph 0075) and a processor coupled to the first and second communication interfaces and the memory and configured to receive indicia of the multimedia requests from the first communication interface, to communicate with the multimedia content provider through the second communication interface to obtain the multimedia content, to store the multimedia content in the memory, and to provide the multimedia content as desired (Paragraph 0054).

As per claim 3, Nii teaches the processor is configured to provide the multimedia content in real time or near-real time (Paragraph 0052: wherein music or video files function as a real time multimedia content).

As per claim 4, Nii teaches the processor is configured to provide the multimedia content through a user interface, the user interface including at least one of a third communication interface, and a digital storage device configured to store digital data on a tangible medium (Paragraph 0053: wherein laptop functions as a digital storage device).

As per claim 6, Nii teaches the third communication interface is configured to communicate with a user wirelessly (Paragraph 0053).

As per claim 7, Nii teaches the third communication interface is configured to communicate with a user according to a short-range wireless protocol (Paragraph 0065).

As per claim 8, Nii teaches the short-range wireless protocol is at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLaN (IEEE 802.11a) protocol, the U-NII protocol, the WEE 802.11a, and the WLAN (IEEE 802.11b) protocol (Paragraph 0065).

As per claim 9, Nii teaches the first interface is configured to receive the remote multimedia requests for multimedia content through at least one of a wireless connection and a packet-switched wide-area network communication path (Paragraph 0031).

As per claim 10, Nii teaches the first interface is configured to communicate wirelessly according to at least one of the Bluetooth (IEEE 802.11) protocol, the

HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the IEEE 802.11b protocol (Paragraph 0065).

As per claim 11, Nii teaches the processor is configured to use user information from the first communication interface to provide suggestions for multimedia associated with the user (Paragraph 0015).

As per claim 13, Nii teaches the first communication interface is configured to provide as the user information at least one of information derived by the first communication interface from handshaking for a communication between the first communication interface and the user, information associated with a transmitting device used by the user supplied to the first communication interface from the transmitting device, and information supplied to the first communication interface by the user (Paragraph 0059).

As per claim 16, Nii teaches a method of processing multimedia data, the method comprising: providing remote access, by a user device associated with a user, to a first multimedia distribution unit; communicating with the user device to provide to the user multimedia options, and to receive a selection by the user of desired multimedia content, communicating with a multimedia server to download the desired multimedia content (Paragraph 0016); caching the downloaded desired multimedia content in a second multimedia distribution unit; and providing, to the user device, the downloaded desired multimedia content from the second multimedia distribution unit (Paragraphs 0075 and 0054).

As per claim 17, Nii teaches the providing access includes providing access to the first multimedia distribution unit from a plurality of multimedia distribution units, to which unit access is provided is dependent on at least one of a selection indicated by a user, a current location of the user, and an expected future location of the user (Paragraph 0055).

As per claim 18, Nii teaches obtaining user information to identify the user; using the user information to obtain recommendations of multimedia data likely to be desired by the user (Paragraph 0016); and caching the recommendations (Paragraph 0075), wherein the communicating with the user includes providing the recommendations to the user (Paragraph 0020).

As per claim 19, Nii teaches providing the downloaded content by at least one of wirelessly communicating with a user device associated with the user, communicating through a physical connection with the user device, and storing the downloaded data on a storage medium and providing the medium to the user (Paragraph 0053).

As per claim 20, Nii teaches providing the downloaded content by wirelessly communicating with the user device includes using a short-range wireless protocol (Paragraph 0065).

As per claim 21, Nii teaches short-range wireless protocol is at least one of the Bluetooth (IEEE 802.11) protocol, the HiperLAN (IEEE 802.1 1a) protocol, the U-NII protocol, the IEEE 802.1 la, and the WLAN (IEEE 802.1 1b) protocol (Paragraph 0065).

As per claim 22, Nii teaches the medium is one of a cassette tape, a compact disc, a digital video disc, a digital audio tape, and a memory chip (Paragraph 0016: wherein IC card functions as a memory chip).

As per claim 23, Nii teaches the first and second multimedia distribution units are the same multimedia distribution unit (Paragraph 0080).

As per claim 24, Nii teaches the communicating with the user device includes using a short-range wireless protocol (Paragraph 0065).

As per claim 25, Nii teaches short-range wireless protocol is at least one of the Bluetooth (IEEE 802.1 1) protocol, the HiperLAN (IEEE 802.11a) protocol, the U-NII protocol, the IEEE 802.11a, and the WLAN (IEEE 802.11b) protocol (Paragraph 0065).

As per claim 26, Nii teaches a multimedia server configured to provide multimedia data; a distributed network of multimedia distribution devices coupled to the multimedia server and configured to communicate with the server to obtain desired multimedia data and configured to communicate with a remote user device to determine the desired multimedia data; wherein the server is configured to provide the desired multimedia data to a selected distribution device in accordance with future-location indicia indicative of a future location of the user device (Paragraph 0016, 0055, and 0056).

As per claim 27, Nii teaches the distribution devices are configured to provide the desired multimedia data in at least one of a wireline communication, a wireless communication, and a physical storage medium (Paragraph 0053).

As per claim 28, Nii teaches the medium is one of a cassette tape, a compact disc, a digital video disc, a digital audio tape, and a memory chip (Paragraph 0016: wherein IC card functions as a memory chip).

As per claim 29, Nii teaches the wireless communication is according to a short-range wireless protocol (Paragraph 0065).

As per claim 32, Nii teaches each distribution device is configured to provide suggestions of multimedia data to the user device wherein the suggestions are associated with a profile of a user, associated with the user device, and characteristics of multimedia data available through the server (Paragraph 0079).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nii (2002/0065730) as applied to claim 1 above, and further in view of Kostreski et al. (5,734,589).

As per claim 2, Nii teaches the mentioned limitations above in claim 1, but fail to teach the first communication interface is configured to receive the multimedia requests at a first speed and the second communication interface is configured to communicate with the content provider at a second speed that is faster than the first speed. Kostreski

et al. however teaches the first communication interface is configured to receive the multimedia requests at a first speed and the second communication interface is configured to communicate with the content provider at a second speed that is faster than the first speed (column 8, lines 50-67). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add the first communication interface is configured to receive the multimedia requests at a first speed and the second communication interface is configured to communicate with the content provider at a second speed that is faster than the first speed in order to allow the digital entertainment terminal to download media faster through the one-way downstream transmission.

As per claim 14, Nii teaches the mentioned limitations above in claim 1, but fail to teach the first communication interface is configured to receive multimedia upload information from a user device at a first speed and to transfer the multimedia upload information toward a multimedia content receiver through an upload interface at a second speed that is faster than the first speed. Kostreski et al. however teaches the first communication interface is configured to receive multimedia upload information from a user device at a first speed and to transfer the multimedia upload information toward a multimedia content receiver through an upload interface at a second speed that is faster than the first speed (column 8, lines 50-67). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add the first communication interface is configured to receive multimedia upload information from a user device at a first speed and to transfer the multimedia

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upload information toward a multimedia content receiver through an upload interface at a second speed that is faster than the first speed in order to upload the media sent by the user faster to a server through a one-way downstream transmission.

As per claim 15, Nii teaches the mentioned limitations above in claim 1, but fail to teach the upload interface is the second communication interface. Kostreski et al. however teaches the upload interface is the second communication interface (column 22, lines 10-30). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add the upload interface is the second communication interface in order to combine an authorized user's profile with a purchased pay per view event.

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nii (2002/0065730) as applied to claims 1, 4, and 11 above, and further in view of Landress et al. (2003/0191816).

As per claim 5, Nii teaches the mentioned limitations above in claims 1 and 4, but fail to teach the digital storage device is configured to write digital data to at least one of a compact disc, a digital video disc, and a digital audio tape. However Landress et al. teaches the digital storage device is configured to write digital data to at least one of a compact disc, a digital video disc, and a digital audio tape (Paragraph 0147). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add the digital storage device is configured to write digital

data to at least one of a compact disc, a digital video disc, and a digital audio tape in order to create and deliver customized electronic communications.

As per claim 12, Nii teaches the mentioned limitations above in claims 1 and 11, but fail to teach the processor is configured to obtain the suggestions from the content provider. However Landress et al. teaches the processor is configured to obtain the suggestions from the content provider (Paragraph 0064: wherein ad information serves the function of suggestions). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add the processor is configured to obtain the suggestions from the content provider in order to include a multimedia workshop-type software program residing in the host site processor.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nii (2002/0065730) as applied to claim 26 above, and further in view of Ortiz (2002/0058499). Nii teaches the mentioned limitations above in claim 26, but fail to teach a location server configured to provide present-location indicia indicative of a present location of the user device, and wherein the network is configured to communicate with the user device via a distribution device determined in accordance with the present location of the user device. However Ortiz teaches a location server configured to provide present-location indicia indicative of a present location of the user device, and wherein the network is configured to communicate with the user device via a distribution device determined in accordance with the present location of the user device (Paragraphs 0017-0022). It would have been obvious to one having ordinary skill

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in the art at the time of the invention to modify the above limitation to add a location server configured to provide present-location indicia indicative of a present location of the user device, and wherein the network is configured to communicate with the user device via a distribution device determined in accordance with the present location of the user device in order to locate data rendering devices throughout an enterprise or private campus, or be distributed throughout communities for accessibility by the public.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nii (2002/0065730) as applied to claim 26 above, and further in view of DeLorme et al. (5,948,040). Nii teaches the mentioned limitations above in claim 26, but fail to teach a location server configured to determine the future-location indicia in accordance with a present location of the user device, a present speed of travel and a present direction of travel. However DeLorme et al. teaches a location server configured to determine the future-location indicia in accordance with a present location of the user device, a present speed of travel and a present direction of travel (column 10, lines 34-58). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the above limitation to add a location server configured to determine the future-location indicia in accordance with a present location of the user device, a present speed of travel and a present direction of travel in order to allow the user to send information to an accommodations provider for making further travel plan reservations.

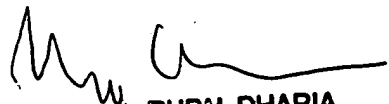
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tsevdos et al. (5,734,719) teaches a Digital information accessing delivery and production system. Logan et al. (5,781,909) teaches a Supervised satellite kiosk management system with combined local and remote data storage. Doerr et al. (5,949,411) teaches a Remote interactive multimedia preview and data collection kiosk system. Alloul et al. (6,032,130) teaches a multimedia product catalog and electronic purchasing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-5:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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